

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

KEYON GARDNER and KELVIN POTTS,  
JR.,

Plaintiffs,

v.

CITY OF OAKLAND; HOWARD  
JORDAN, in his capacity as Chief of Police  
for the CITY OF OAKLAND; MARK  
THOMAS, individually and in his official  
capacity as a police officer for the CITY OF  
OAKLAND,

Defendants.

Case No. 12-cv-02926 NC

**REMINDER NOTICE OF  
UPCOMING TRIAL AND FINAL  
PRETRIAL CONFERENCE**

This notice serves as a friendly reminder that this case remains set for a **FINAL PRETRIAL CONFERENCE** on October 23, 2013, at 2:00 p.m., with a **JURY TRIAL** on November 4, 2013, at 9:00 a.m. Please consult the existing case management order and review and follow all standing guidelines and orders of the undersigned for civil cases on the Court's website at <http://www.cand.uscourts.gov>. Continuances will rarely be granted.

The final pretrial conference will be an important event, for it will be there that the shape of the upcoming trial will be determined, including in limine orders, time limits and exhibit mechanics. Lead trial counsel must attend.

1 To avoid any misunderstanding with respect to the final pretrial conference and trial,  
2 the Court wishes to emphasize that all filings and appearances must be made — on pain of  
3 dismissal, default or other sanction — unless and until a dismissal fully resolving the case is  
4 received. It will not be enough to inform the clerk that a settlement in principle has been  
5 reached or to lodge a partially executed settlement agreement or to lodge a fully executed  
6 agreement (or dismissal) that resolves less than the entire case. Where, however, a fully-  
7 executed and unconditional settlement agreement clearly and fully disposing of the entire  
8 case is lodged reasonably in advance of the pretrial conference or trial and only a ministerial  
9 act remains, the Court will arrange a status conference to work out an alternate procedure  
10 pending a formal dismissal.

11 Please state whether the Court can be of further ADR assistance (but avoid stating  
12 offers, counteroffers or dollar amounts).


13 In this case, the Court wishes to consider the following additional trial procedures and  
14 desires that counsel meet and confer and reach a stipulation concerning whether and how to  
15 use them:

- 16 1. Scheduling opposing experts so as to appear in successive order;
- 17 2. Giving preliminary instructions on the law;
- 18 3. Allowing limited pre-closing deliberations (as per, e.g., Rule 39 of the Arizona  
19 Rules of Civil Procedure); and
- 20 4. Allowing each side fifteen minutes of opening/argument time to be used  
21 during the evidence time (in addition to normal opening statement and closing argument).

22 Please present the results of your stipulation (or not) in the joint pretrial conference  
23 submissions.

24 IT IS SO ORDERED.

25 Date: September 26, 2013

  
Nathanael M. Cousins  
United States Magistrate Judge